

07-20-01

EL792822110

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Priority Application Serial No. ....08/568,578  
 Priority Filing Date .....12/07/1995  
 Inventor..... Michael B. Jones et al.  
 Priority Group Art Unit .....2151  
 Priority Examiner ..... S. Lao  
 Attorney's Docket No. ....MS1-204USC1  
 Title: Method and System for Resource Management with Independent Real-Time  
 Applications on a Common Set of Machines

1c903 U.S. PRO  
 09/909072  
 07/18/01

DIVISIONAL PATENT APPLICATION TRANSMITTAL

To: Commissioner of Patents and Trademarks,  
Washington, D.C. 20231

From: Lance R. Sadler (Tel. 509-324-9256; Fax 509-323-8979)  
Customer No. 22801

22801  
 PATENT TRADEMARK OFFICE

The following enumerated items accompany this transmittal letter and are being submitted for the matter identified in the above caption.

1. Transmittal Letter with Certificate of Mailing included.
2. Fee Transmittal
3. Check in the Amount of \$710.00
4. PTO Return Postcard Receipt
5. Request for Divisional Application Under 37 C.F.R. 1.53 (b)
6. True copy of the prior application as filed including the specification (26 pages, claims 1-44, Abstract, 12 sheets informal drawings (Figs. 1-9))
7. Copy of Executed Declaration
8. Preliminary Amendment
9. Copy of Assignment

Large Entity Status [x]

Small Entity Status [ ]

The Commissioner is hereby authorized to charge payment of fees or credit overpayments to Deposit Account No. 12-0769 in connection with any patent application processing fees under 37 CFR 1.17; and any additional filing fees under 37 CFR 1.16 for the presentation of extra claims.

Date: 7/18/01

By: 

Lance R. Sadler  
Reg. No. 34,656

**CERTIFICATE OF MAILING**

I hereby certify that the items listed above as enclosed are being deposited with the U.S. Postal Service as either first class mail, or Express Mail if the blank for Express Mail No. is completed below, in an envelope addressed to The Commissioner of Patents and Trademarks, Washington, D.C. 20231, on the below-indicated date. Any Express Mail No. has also been marked on the listed items.

**Express Mail No.** (if applicable) \_\_\_\_\_

**EL792822110**

Date: \_\_\_\_\_

7/18/2001

By: \_\_\_\_\_

Cheryl K. Boies

Cheryl K. Boies

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**FEE TRANSMITTAL  
for FY 2001**

Patent fees are subject to annual revision.

**TOTAL AMOUNT OF PAYMENT**(\$) **710.00**

<b>Priority</b>	<b>Complete if Known</b>
Application Number	08/568,578
Filing Date	12/07/95
First Named Inventor	Jones
Examiner Name	S. Lao
Group Art Unit	2151
Attorney Docket No.	MSI-204USC1

**METHOD OF PAYMENT**

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit  
Account  
Number

12-0769

Deposit  
Account  
Name

Lee &amp; Hayes, PLLC

- ☒
- Charge Any Additional Fee Required
- 
- Under 37 CFR 1.16 and 1.17

- ☐
- Applicant claims small entity status.
- 
- See 37 CFR 1.27

- 2.
- ☒
- Payment Enclosed:

- ☒
- Check
- ☐
- Credit card
- ☐
- Money
- 
- Order
- ☐
- Other

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

Fee Fee Fee Fee Fee Description

Code (\$)	Code (\$)	Code (\$)	Code (\$)	Code (\$)	Fee Description	Fee Paid
101	710	201	355		Utility filing fee	710
106	320	206	160		Design filing fee	
107	490	207	245		Plant filing fee	
108	710	208	355		Reissue filing fee	
114	150	214	75		Provisional filing fee	

SUBTOTAL (1) (\$) **710.00****2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
7	-20** = 8	8	8
7	-3** = 8	8	8
Multiple Dependent			

Large Entity Small Entity

Fee Fee Fee Fee Fee Description

Code (\$)	Code (\$)	Code (\$)	Code (\$)	Code (\$)	Fee Description
103	18	203	9		Claims in excess of 20
102	80	202	40		Independent claims in excess of 3
104	270	204	135		Multiple dependent claim, if not paid
109	80	209	40		** Reissue independent claims over original patent
110	18	210	9		** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) **0**

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify)					
SUBTOTAL (3) (\$)					

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY**

Name (Print/Type)	Lance R. Sadler	Registration No. (Attorney/Agent)	38,605	Telephone	509 324-9256
Signature	<i>Lance R. Sadler</i>	Date	7/18/01		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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 Title: Method and System for Resource Management with Independent Real-Time  
 Applications on a Common Set of Machines

### REQUEST FOR DIVISIONAL APPLICATION

#### UNDER 37 C.F.R. 1.53(b)

To: Commissioner of Patents and Trademarks,  
Washington, D.C. 20231

From: Lance R. Sadler (Tel. 509-324-9256; Fax 509-323-8979)  
**Customer No. 22801**

This is a request for filing a Divisional application under 37 CFR §1.53(b) of  
 Application Serial No. 08/568,578 which was filed December 7, 1995 and is entitled  
 "Method and System for Resource Management with Independent Real-Time  
 Applications on a Common Set of Machines." The prior application was submitted  
 in the names of Jones et al. The original declaration showing their addresses is also  
 enclosed.

The prior application was a complete application as set forth in  
 37 CFR §1.51(a). The application papers being filed herewith are a true copy of the  
 prior application as filed including the specification (with claims), drawings, oath or

1 declaration showing the signature(s), and any amendments referred to in the oath or  
2 declaration to complete the prior application. No amendments referred to in the oath  
3 or declaration filed to complete the prior application introduced new matter therein.  
4 No abandonment or termination of proceeding has occurred in the above-identified  
5 prior application.

6  
7 The filing date of pending application Serial No. 08/568,578 is hereby  
8 claimed under 35 U.S.C. §120.

9  
10 A preliminary amendment is enclosed.

11  
12 A check is enclosed to pay fees under 37 CFR §1.16 and §1.17 associated  
13 with this communication.

14  
15 A previous assignment to Microsoft Corporation has been executed by the  
16 inventors in the prior application, and is applicable to the present application. A  
17 copy of the assignment is enclosed herewith.

18  
19 A previous power of attorney in the prior application is given to Lewis C.  
20 Lee, Reg. No. 34,656, Daniel L. Hayes, Reg. No. 34,618, Allan T. Sponseller, Reg.  
21 38,318; Steven R. Sponseller, Reg. No. 39,384; James R. Banowsky, Reg. No.  
22 37,773; Lance R. Sadler, Reg. No. 38,605; Thomas A. Jolly, Reg. No. 39,241; David  
23 A. Morasch, Reg. No. 42,905; Kasey C. Christie, Reg. No. 40,559; Nathan R. Rieth,  
24 Reg. No. 44,302; Brian G. Hart, Reg. No. 44,421; David S. Thompson, Reg. No.  
25 37,954; Paul W. Mitchell, Reg. No. 44,453; Bradley K. DeSandro, Reg. No. 34,521;

1 Brian J. Pangrle, Reg. No. 42,973; Katie E. Sako, Reg. No. 32,628 and Daniel D.  
2 Crouse, Reg. No. 32,022.

3 Please send correspondence to: **Customer No. 22801.**



4 Direct telephone calls to: Lance R. Sadler (509) 324-9256.

5  
6 Respectfully submitted,

7  
8 Dated: 7/18/01

9 By: [Signature]

Lance R. Sadler  
Reg. No. 38,605